IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 859 OF 2004

IN

SUM. SUIT NO. 2774 OF 2004

Ishwarlal Shivlal Lokhande . .. Plaintiff.

vs.

Pravin Prabhakar More. .. Defendants.

Mr. A.R. Mishra i/by S.A. Mishra

for plaintiff.

None for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 4th October, 2005.

P.C.:

. The present suit is filed for recovery of the loan amount of Rs. 5 lacs under the agreement at Exhibit A. In para 2 of the said agreement the defendants had agreed in writing that they will pay the sum of Rs. 5 lacs on or before 9.6.2004. The summons for judgment is served on the defendants. The matter was on Board before me on 28.9.2005. As none appeared for the defendants notice was directed to be given by the plaintiff to the defendants

herein. Pursuant thereto a letter has been addressed on 28.9.2005 which has been received by the advocate of the defendants. An endorsement is made that inspection has still not been furnished and the same is informed to the Hon'ble Court. Accordingly, the learned counsel for the plaintiff on 30.9.2005 addressed a letter to the defendants immediately fixing an appointment for inspection on 1.10.2005 at 7.00 p.m. at his office. In spite of the said letter, the advocate for the defendants has not taken the inspection when the matter is kept today on Board. None appears for the defendants today in spite of the aforesaid notice. In that view of the matter, the summons for judgment is made absolute. Suit is decreed. Plaintiff will be entitled to simple interest at the rate of 12% from the date of the suit till payment and/or realisation. Both the suit as well as the summons for judgment are disposed of accordingly. No order as to costs.